

REMARKS

The title has been amended as required.

Claim 5 (and therefore dependent claim 6) has been rewritten into independent form and provided with appropriate antecedent, thus obviating the objection under 37 CFR 1.75(c).

Claims 1, 5, 8 and 14 have also been amended to provide proper antecedent basis, thereby remedying the rejection under 35 U.S.C. 112, second paragraph.

Further, the amendments to claims 1 and 8 appear to overcome their provisional rejection as involving possible double patenting, by making clearer that they do not, as in copending application Serial No 09/235,606, involve the specific use of the therein claimed cellular telephone network control channel, as explained at the center of page 3 and at the bottom of page 4 and elsewhere in the current application specification.

Turning, therefore, to the prior art 35 U.S.C. 103(a) blanket rejection of claims 1-14 as merely the "obvious" use of the user verification concept of the patent to Girerd et al (6,131,067) in the system of the Pace II patent (5,712,899), reconsideration is respectfully requested of this rejection, particularly in the present claim-amended form, because, as will now be shown, the patent to Pace II actually in no sense anticipates applicant's method or novel apparatus, with or without the provision of user verification--that of Girerd et al or of anyone else.

It should first be recognized that applicant's invention and novel results require two separate instruments--one, a portable cellular user voice telephone (P), and second, a GPS transponder and processor ("GPS/T") permanently installed in the vehicle (V). The invention, additionally, requires two independent and separate distinct communication channels with the control center--one, a radio voice channel (C1) for the portable cellular voice telephone, and the second, a separate data channel (C2) for separate radio communication between the vehicle-installed GPS transponder and the control center. The voice channel and the data channel operate with two separate devices and even at different times.

No such concept is involved, however, in the Pace II patent where, to the contrary, the voice and data (GPS streaming video) channels are the same single channel for both voice and data and operate with a single piece of hardware (Fig. 7, for example) and, indeed, even "simultaneously" (col. 2, line 64, for example).

Thus, while the system of Pace II can obtain GPS information on the cell phone, since the voice and data channels operate in the same piece of hardware, the system is totally incapable of achieving applicant's results. This can readily be seen from the fact that when the cell phone of Pace II is carried away from the vehicle, there is absolutely no way the vehicle GPS location can be determined or reported.

With applicant's separate data transceiver installed in the vehicle and separate from the portable cell voice phone, and operating in an entirely separate data channel (and not simultaneously with cell phone voice use and not on the voice channel), the control center can still locate the vehicle even though the portable voice cell phone is outside the vehicle. In applicant's system, with the portable cell phone outside the vehicle, the location of the vehicle can still be obtained if the car is stolen or there are other emergency situations--results not attainable with the system of Pace II, with or without user verification as in the patent to Girerd et al. [The patent to Girerd et al, moreover, focuses on location on-demand using the Internet, but specifically disclosing a single device for using over the Internet].

It now remains to examine whether applicant's claims, particularly as amended, recite these distinctions over the operation of the reference patent systems. It is believed that each of method claims 1, 3-7 (claim 2 having been cancelled since now incorporated in amended claim 1), and apparatus claims 8 and 10-14 (claim 9 having been cancelled because now incorporated into claim 8), clearly contain such distinguishing limitations.

Claim 1, for example, as amended, calls for applicant's two separate communication channels ["a user cellular radio voice channel path communicating with a network operations control center" and then "a separate data radio channel path separately communicating with said network operations control center"]. The claim specifies the two separate instruments ["a cellular telephone" and "a radio transponder and GPS receiver and microprocessor module", with the former "portable", and the latter separate therefrom through "installing...at said location"--the vehicle]. The claim further makes it most clear that the installed transponder "transmit(s) the processed location data over the data channel path to said control center" and the voice response "from the control center to the user" and the "user voice-calling the control center" both occur separately "over the cellular radio voice channel path".

Since method claims 4-7 contain the same limitations, and apparatus claim 8 and its dependent claims 10-14 have all been amended to recite these same prior-art-distinguishing limitations, all of claims 1, 3-8 and 10-14 now appear to be allowable.

Reconsideration and allowance are therefore respectfully requested.

Any costs incurred by this amendment, including for required time extension(s), petition for which is hereby requested, may be charged to account No.18-1425 of the undersigned attorneys.

Very Respectfully,

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